

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENISE DIANNA BUCHANAN,

Petitioner,

vs.

WARDEN SHERYL FOSTER, *et al.*,

Respondents.

3:06-CV-00340-LRH-RAM

ORDER

This action proceeds on the amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, by Denise Dianna Buchanan, a Nevada Prisoner represented by counsel.

Respondents filed a motion for a stay, pending the outcome of a petition for rehearing in *Polk v. Sandoval*, 503 F.3d 903 (9th Cir. 2007). Respondents sought a stay in this action, inasmuch as the resolution of Ground Three of the instant petition involves issues decided in *Polk v. Sandoval*. As acknowledged by both parties in the response and reply, respondents' motion for a stay is now moot, because the Ninth Circuit has denied the petition for rehearing in *Polk v. Sandoval*. The petition in the instant case is now fully briefed and under submission by the Court.

IT IS THEREFORE ORDERED that respondents' motion for a stay (Docket #58) is **DENIED AS MOOT**.

DATED this 12th day of August, 2008.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE